IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 22925 of 2003

Between:

T. Murali Mohan Rao, S/o. Late T. Venkatesham, aged about 36 years, Occupation: Business, R/o. Plot No. 190, Hanumanpet Extension, Malkajgiri, Ranga Reddy District.

..... PETITIONER

AND

1. A.P.State Financial Corporation, Having its Office at 5-8-342, Chirag

Ali Lane, Hyderabad, Rep. by its General Manager.
2 A.P. State Financial Corporation, Ranga Reddy District, Having its

Office at 5-8-342, Chirag Ali Lane, Hyderabad,
Rep. by its Branch Manager.
3 T. Srinivas Rao, S/o. Late T. Venkatesham, aged about 40 years

R/o. Plot No. 190 Hanumanpet Extension, Malkajgiri, Ranga Reddy

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a Writ more in the nature of Writ of Mandamus declaring the action of the first respondent in putting the petitioners property bearing No. 17-11/5, Plot No. 190, Hanumanpet Extension, Malkajgiri, Hyderabad to auction as illegal, arbitrary and against the principles of natural justice.

Counsel for the Petitioner: MR.B.DHANANJAYA

Counsel for the Respondent No.: MR.Y.N.LOHITA , SC FOR APSFC

The Court made the following :

ORDER:

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Heard.

At the request of both the learned counsel, the writ petition itself is taken up for disposal.

The petitioner, who is the owner of house property, bearing No.17-11/5, Plot No.190, Hanumanpet Extension, Malkajgiri, Hyderabad, filed this writ petition, *inter alia*, seeking a *Writ of Mandamus* declaring the action of the 1st respondent in putting his property, mentioned above, for auction as illegal and arbitrary.

Having regard to the submissions made on either side and on perusal of the material available on record, it is seen that there is no dispute as to the fact that respondent No.3 has obtained loan from respondents 1 and 2 and that the petitioner has given his property as security for the same. The grievance of the petitioner is that the respondents are proceeding to sell his house property without any notice to him. .

Learned counsel appearing on behalf of the petitioner submits that if the amount due by the 3rd respondent is furnished, the petitioner is ready to pay the same, and in such an event, the question of conducting auction does not arise.

Having considered the facts and circumstances, and taking note of the offer made on behalf of the petitioner, the writ petition is disposed of directing the petitioner to file a

comprehensive representation before the respondents 1 and 2, within a period of two weeks from today. On such representation being filed, respondents 1 and 2 shall consider the same and pass appropriate orders in accordance with law, after giving notice and opportunity to the petitioner.

23.08.2004

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To

1. The General Manager , A.P.State Financial Corporation,

Office at 5-8-342, Chirag Ali Lane, Hyderabad,.
2. The Branch Manager, A.P. State Financial Corporation,
Ranga Reddy District, Office at 5-8-342, Chirag Ali Lane, Hyderabad

3. Two CCs to Standing Counsel for APSFC, High Court Buildings,

High Court of A.P. Hyderabad (O.U.T)

4. 2CD copies.